REMARKS

This Response is to the non-final Office Action dated July 22, 2009. Claims 44 and 58 have been amended herein. No new matter has been added by these amendments. Claims 54 to 57 have been canceled without prejudice or disclaimer. Please charge Deposit Account No. 02-1818 for any fees owed in connection with this Response.

In the Office Action, Claims 1 to 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,641,533 to Causey III et al. ("*Causey*") in view of U.S. Patent No. 5,827,180 to Goodman ("*Goodman*"). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1 is directed to:

> [a] system for reporting on integrity of a wireless communication link within a healthcare facility comprising: a module associated with a medication treatment application device; the module having a status information output responsive to a signal output generated by the medication treatment application device; a wireless remote device within the healthcare facility having a message indicator responsive to the status information output transmitted over the wireless communication link and representative of the signal generated by the medication treatment application device; software installed on the wireless remote device having a time-out output; and, wherein the time-out output indicates loss of the wireless communication link. (emphasis added).

Page 3 of the Office Action appears to admit that *Causey* does not disclose a system for reporting on integrity of a wireless communication link within a healthcare facility including software installed on a wireless remote device having a time-out output, wherein the time-out output indicates loss of the wireless communication link. Specifically, pg. 3 of the Office Action states:

> Causey, III et al. further discloses the communication between the medical device module and the infusion device is wireless, does not explicitly disclose a remote device within the healthcare facility having a message indicator responsive to the status information output transmitted over the wireless communication link and responsive to the status information output transmitted over the wireless communication link and representative of the signal generated by the medication treatment application device. ('533; col./line 25/18-26/40).
>
> . . .
>
> Goodman discloses software installed on the wireless remote device having a time-out ('180; Col. 5, lines 42-55; Col. 6, lines 32-42); wherein the time-out output indicates a loss of the wireless communication link.

Applicants respectfully submit that *Causey* indeed does not disclose such a system and refers the Patent Office to the arguments presented in the Response to the Advisory Action of June 3, 2009 and to the Final Office Action of February 20, 2009 with respect to *Causey*.

The Office Action instead cites to *Goodman* for the disclosure of software installed on a wireless remote device having a time-out output. Applicants respectfully submit however that *Goodman* fails to cure the deficiencies of *Causey*. *Goodman* does not disclose or suggest a system for reporting on the integrity of a wireless communication link including software installed on a wireless remote device having a time-out output, wherein the time-out output indicates loss of the wireless communication link.

Goodman instead discloses a system for a health network including a third party facility for routing and collecting patient information to both the patient and to a health care provider. See, *Goodman*, Abstract. The health network includes a patient node 2, a third party facility 3, and a health care provider 4. See, *Goodman*, Fig. 1 and accompanying text. Each third party facility 3 includes a host computer 30 in communication with health care provider 4 and the patient node 2. Each patient node 2 includes a data processor 10 and a message device 20. See, *Goodman*, column 3, lines 53 to 64. In one embodiment, the message device 20 is a portable device. See, *Goodman*, column 4 lines 22 to 25. Page 3 of the Office Action cites to column 5, lines 42 to 55 of *Goodman* for disclosure of a wireless remote device having a time-out output. Column 5, lines 42 to 55 in *Goodman* discloses:

> [i]n a further embodiment of message device 20, software and adapters can be developed so that personal digital assistants, such as the devices model Wizard available from SHARP Electronics, Inc., device model HP 100LX available from Hewlett Packard, and device model Newton available from Apple Computer, Inc., can communicate with the data processor 10 to receive information from, and deliver information to, the host computer 30 and to generate the alerts for medication regimen, store the patient compliance data, and to provide a display of sales information downloaded from data processor 1 0 and for two-way communication with data processor. Standard data communications can be used and these can be easily created by persons of ordinary skill in the art.

This passage merely describes an embodiment in which the messaging device 20 includes software that enables the messaging device 20 to communicate with the data processor 10 to deliver information to the host computer 30 of the third party facility. Nowhere does this passage in *Goodman* describe a system including software installed on a wireless remote device

having a time-out output, and, wherein the time-out output indicates loss of a wireless communication link.

The Office Action additionally cites to column 6, lines 32 to 42 of *Goodman*. Column 6, lines 32 to 42 in *Goodman* discloses:

> The software will then actuate the alarm and display the appropriate message as the stored regimen is executed, without prompting by wireless carrier 60. This will reduce communication costs. If the medication regimen is changed, the wireless carrier 60 can re-program the paging device 61' as appropriate. Further, the clock 63 in the paging device 61 is preferably resettable by a general broadcast of a time control signal by the wireless carrier 60. This embodiment is better suited for paging devices having two-way communication capabilities so that safe receipt of the downloaded regimen can be confirmed. (emphasis added).

This passage describes an embodiment of the health network of *Goodman* in which the host computer 30 communicates with wireless carrier 60 to provide information to patients having paging devices 61. See, *Goodman*, Fig. 4a and accompanying text. In one version of this embodiment, *Goodman* discloses a modified paging device 61', which includes a non-volatile memory 62, real-time clock 63, antenna 66 and a suitable software 64 for storing data within the paging device. See, *Goodman*, Fig. 4b, column 6, lines 16 to 22.

Page 3 of the Office Action states that, "the Examiner interprets time control signal by the wireless carrier as loss of the wireless communication link." The time control signal to which the Office Action refers is the time control signal underlined in the above quoted passage. Applicants respectfully submit that this time control signal is generated by wireless device for resetting the clock 63 within the paging device 61. *Goodman* does not describe that this time control signal includes a time-output that indicates loss of a wireless link. Instead, the time control signal appears to be a signal that enables the wireless device to remotely program or reprogram information stored on the paging device (e.g., information on the clock component of the paging device). Applicants accordingly respectfully submit that the time control signal of *Goodman* is not software installed on the wireless device having a time-out output that indicates loss of a wireless link, as required by claim 1.

For at least the above reasons, Applicants respectfully submit that independent claim 1, and dependent claims 2 to 17 are patentably distinguished over *Causey* and *Goodman* in condition for allowance.

Independent claims 18, 33 and 44 as presently presented include similar elements to claim 1. In particular, claim 18 as presently presented is directed to a method for reporting on integrity of a wireless communication link within a healthcare facility including, in part, installing software on a wireless remote device that generates a time-out output when the wireless communication link is lost. Claim 33 as presently presented is directed to a method for reporting on integrity of a wireless communication link within a healthcare facility including, in part, installing software on a wireless remote device for generating a time-out output by polling or monitoring the communication link to actively test its integrity, and generating the time-out output when the wireless communication link is lost. Claim 44 is directed to a system for reporting on integrity of a wireless communication link within a healthcare facility including, in part, software installed on the wireless remote device having a time-out output, and wherein the time-out output indicates loss of the wireless remote device to receive the status information transmitted over the wireless communication link.

Accordingly, for at least the reasons given above with respect to independent claim 1, Applicants respectfully submit that independent claims 18, 33 and 44, and respective dependent claims 19 to 32, 34 to 43, and 45 to 58 are patentably distinguished over *Causey* and *Goodman*.

In addition, Applicants respectfully submit that independent claim 44 as presently presented and numerous dependent claims are also patentably distinguished over *Causey* and *Goodman*. For example, independent claim 44 as presently presented (and dependent claim 16) includes, in part, "wherein an icon responsive to the time-out output is provided on the visual display." Dependent claim 17, includes, in part, "wherein a pop-up window is provided on the visual display in response to the time-out output." Page 8 of the Office Action states:

> With respect to Claim 16 . . . Causey et al disclose further wherein an icon responsive to the time-out output is provided on the visual display ('533; Fig. 22: time output).
>
> . . .
>
> With respect to Claim 17, . . . Causey, III. et al. discloses further wherein a pop-up window is provided on the visual display in response to the time out ('533, Figs. 22 & 24 pop-up window showing time).

Figs. 22 and 24 are reproduced below.

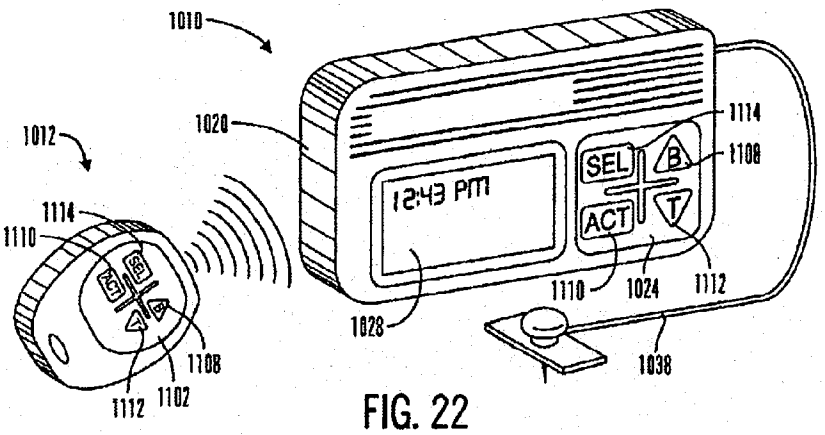


FIG. 22

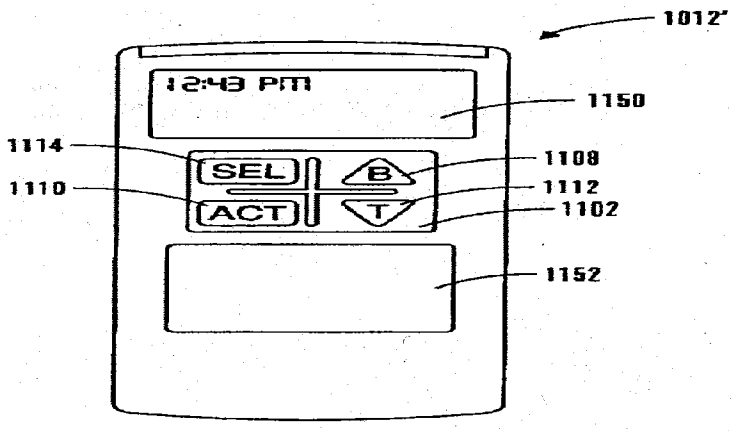


FIG. 24

Applicants respectfully submit that *Causey* does not disclose or even hint that either the RF programmer 1012 (Fig. 22) or the RF programmer 1012' (Fig. 24) above includes (i) an icon responsive to a time-out output or (ii) a pop-up window provided on the displays 1028 or 1150 respectively, as required by independent claim 44 (and claim 16) and 17 respectively. The only device in *Causey* that includes any type of time-out feature is the RF receiver, as referred to in column 11, line 65 to column 12, line 4, which states, in part, "the receiver will remain in an active mode until a complete sequence of commands has been received, or until the receiver times out due to a lack of RF communications from the RF programmer." Nowhwere does this passage describe that the RF receiver has an icon responsive to the time-out output, or a pop-up window provided on a visual display in response to a time-out output. And, as discussed above, *Goodman* fails to disclose the time-out output feature of claim 1. Applicants accordingly respectfully submit that it would not have been obvious to modify the RF programmer 1012 or

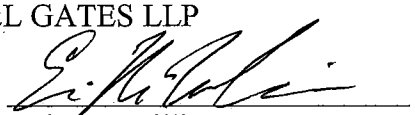
1012' of *Causey* in view of *Goodman*, to include an icon or pop-up window responsive to a time-out, without reasonably being construed as impermissible hindsight reconstruction.

For at least these reasons, Applicants respectfully submit that independent claim 44 and dependent claims 16 and 17 are additionally patentably distinguished over *Causey* and *Goodman* and in condition for allowance. Claims 31, 32, 42 and 43 include similar elements to independent claim 44 and dependent claims 16 and 17. Accordingly, for at least the reasons given above with respect to independent claim 44 (and claim 16) and dependent 17, Applicants respectfully submit that claims 31, 32, 42 and 43 are also additionally patentably distinguished over *Causey* and *Goodman*.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

K&L GATES LLP

BY 

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